

DIRECTIVE

WORKFORCE INVESTMENT ACT

Number: WIAD00-2

Date: August 24, 2000
69:75:va:3816

TO: LOCAL WORKFORCE INVESTMENT AREAS
CHIEF ELECTED OFFICIALS
CALIFORNIA WORKFORCE INVESTMENT BOARD STAFF
WID STAFF

SUBJECT: PROCUREMENT

EXECUTIVE SUMMARY:

Purpose:

This directive provides combined state and federal guidance regarding the procurement of goods and services by entities receiving Workforce Investment Act (WIA) funds. These entities include but are not limited to Local Workforce Investment Boards, One-Stop Operators, and their subrecipients.

Scope:

This directive requires that all subrecipients expending WIA funds shall comply with federal and state procurement regulations and policies.

Effective Date:

This directive is effective upon release.

REFERENCES:

- Title 20 Code of Federal Regulations (CFR), WIA Final Rule, Section 667.200
- Title 29 CFR Part 97, Section 97.36
- Title 29 CFR Part 95, Sections 95.40 through 95.48

STATE-IMPOSED REQUIREMENTS:

This directive contains State-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive finalizes Draft Directive WIADD-3 issued for comment on June 5, 2000. Retain this directive until further notice.

BACKGROUND:

The WIA Final Rule, Title 20 CFR 652, provides guidance for the administration of the WIA program. The guidance includes specific direction and referral to Title 29 CFR Part 95 for institutions of higher education, hospitals and other nonprofit and commercial organizations, and to Title 29 CFR Part 97 for states and local governments. While the format and wording of Part 95 and Part 97 vary slightly, the

intent of the federal government is consistent: procurement policies must ensure free and open competition and must secure the best possible price.

POLICY AND PROCEDURES:

Definitions:

Small purchase means the acquisition of goods or services that do not cost more than \$50,000 in the aggregate.

General Provisions:

The following provides information regarding the salient points of federal policies. However, each recipient and subrecipient is responsible for complying with all applicable federal requirements. Recipients and subrecipients must have written procedures that include, but are not limited to, the following:

- A code of conduct for employees conducting procurements, including criteria regarding conflict of interest;
- Selection procedures for procurement transactions;
- A list of the types of procurement including when and how to use them;
- Requirements for a price or cost analysis; and
- Limited conditions under which a sole source procurement may occur.

Documentation:

Each procurement must be documented. The examples of acceptable documentation by type of procurement are as follows:

- Small purchases: sales receipt, current catalogs with price lists, or formal quotes depending on the amount of the purchase.
- Sealed bids: the reason for selecting this method, the request for bid, the bids received, the reason for the selection and the award document.
- Competitive proposals: the reason for selecting this method, the solicitation, the proposals received, the scoring criteria and the scores assigned, the reason for the selection and the award document.
- Sole source: the reason for selecting this method, the justification for the selection, and the award document.

ACTION:

Bring this directive to the attention of all affected staff and all subrecipients.

INQUIRIES:

Please direct inquiries about this directive to your assigned [Regional Advisor](#).

/S/ BILL BURKE
Chief